THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2628 OF 2007

DATED: 13-02-2007

BETWEEN

M/s. Sapta Shikara Enterprises,
Plot No.82, MIG-2, Phase – I,
Vanasthalipuram,
Hyderabad.

...PETITONER

AND

The Zonal Manager,
A.P. Industrial Infrastructure Corporation
Limited, Industrial Estate, Moula- ali
and others.

...RESPONDENTS

ORDER:

The petitioner submits that she has been allotted land in an extent of 4055 sq. meters in the administrative block at IDA Bongir for starting of a HS, HSD Petroleum retail outlet of Essar Oil Limited, Cafeteria, Internet and Service Station vide proceedings of the first respondent dated 09.03.2004. It is stated that after paying the provisional sale consideration the sale agreement was executed on 15.07.2004 and took possession of the said land on the same day. It is stated that as per the agreement of sale the petitioner has to implement the project in the allotted land within two year of being put in possession but the petitioner has committed breach of the conditions of allotment and agreement by failing to utilize the land even after lapse of more than two years of taking possession. Accordingly, show cause notice dated 30.11.2005 has been issued for cancellation of allotment of the land for not implementing the project, for which an explanation was submitted stating that the

Essar Oil Limited is not showing interest for supplying of petrol and applied for IOC for allotment of petrol pump and requested three months time by representation dated 27.12.2005. Even after expiry of three months the petitioner failed to start the petrol pump and again showed certain cause with regard to non-cooperation of Essar Oil Limited.

It is further stated that after inspection was made the land was found vacant without there being any petrol pump, as the land was kept idle for more than two years, the allotment was cancelled by order dated 29.11.2006. The said order has not been questioned in the writ petition. It is stated that the petitioner filed another representation dated 22.12.2006 after cancellation of allotment requesting to extend three months time to implement the project and for restoration of the allotment but the said representation was rejected by letter dated 25.01.2007 and by letter dated 31.01.2007 petitioner was directed to surrender the vacant possession by impugned order dated 31.01.2007.

Learned standing counsel appearing for the respondents submits that without questioning the cancellation order, the petitioner is not entitled for any relief in this writ petition, as the subsequent intimation dated 31.01.2007 is only a consequential order passed to the earlier cancellation order.

Learned counsel for the petitioner submits that he would like to make a representation before the second respondent seeking appropriate relief.

Having regard to the facts and circumstances of the case, the writ petition is dismissed with a liberty to the petitioner to make a representation before the second respondent, in which

case, it is for the second respondent to consider and dispose the same in accordance with law. There shall be no order as to costs.

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V. ESWARAIAH, J

February 13, 2007
DSK